



White River Alliance
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October 21, 2020

Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management IGCN
100 North Senate Avenue
Indianapolis, IN 46204-2251

RE: Oct. 13, 2019 citizen petition requesting the adoption of the 2012 United States Environmental Protection Agency Recreational Water Quality Criteria (RWQC)

Executive Summary

Changing state water quality standards is a significant action that warrants thoughtful analysis, as the repercussions can be far reaching. Because many of these ideas are complex, it is advisable to follow the precedent set by previous rule changes and take the conservative step of convening a multi-stakeholder advisory group to evaluate the proposal. The White River Alliance welcomes the opportunity to participate in the advisory group for the opportunity to enhance Indiana's waterways.

Dear Environmental Rules Board:

Our 16-county White River Alliance has reviewed the citizens' petition requesting the adoption of the 2012 United States Environmental Protection Agency Recreational Water Quality Criteria (RWQC) for combined sewer overflow (CSO) communities in Indiana. We understand that you are holding a hearing regarding this petition on October 28, 2020. Unfortunately, the hearing time conflicts with the Alliance's standing monthly board meeting, so we are offering these comments in advance for your consideration.

As a matter of background, our Alliance is a diverse, multi-stakeholder, regional organization that works diligently to protect and improve Central Indiana's water resources through cross-jurisdictional public education programming, the implementation and promotion of best management practices, and the advancement of common, coordinated development standards. In this role we often find ourselves serving as a technical sounding board and leader on issues related to water quality assessment, improvement, and long-term management. It is with this expertise that we offer the following comments, concerns, and suggestions regarding the proposed rule noted above.

COMMENTS AND CONCERNS:

- Dozens of large anchor institutions, small community organizations, statewide and local non-profits, municipalities, and philanthropic leaders are investing millions of dollars in improvements to the White River with the future aim of full-body-contact recreation and safe fish consumption. Any efforts to relax water quality standards, such as those proposed by this petition, are inconsistent with those investments and desired improvements. **Lowering the water quality bar will run contrary**

to and substantially impede community goals and investments, and will make those goals harder if not impossible to achieve.

- The proposed (and lasting) change comes to you without any analysis of the impacts. No past event comparisons, no current data sets, and no modeled future conditions are provided such that we can understand the likely outcome of the proposed change. No documentation has been provided along with the petition to support the notion that this change will even serve its intended purpose, nor does it mention exactly who may win or lose as a result. **If we are to consider changing a state water quality standard, particularly one that has a direct impact on public health, we ought to better understand how that change plays out in real-world scenarios across the state and on streams of different conditions.**
- It is unclear how this change and its resultant compliance with existing Long-Term Control Plans would actually work. **You are being asked to change a statewide standard without the public or agency staff understanding exactly how it will be complied with or enforced.**
- The economic impact of pollution abatement needed to meet current water quality standards is recognized by our diverse stakeholder group; however, the quality of life benefits provided by such standards also carry positive economic impacts, including employee recruitment and retention, recreation and tourism, and fewer work days lost to illness. It is also important to remember that surface water quality standards are not the sole factor contributing to utility rate pricing. In fact, if we shift the discussion from toilet to tap, we see that drinking water rates are heavily impacted by surface water pollution, as pollution drives up treatment costs. **Economic impacts brought forth by the citizen petition are not inclusive of the full range of costs and benefits associated with meeting water quality standards.**

SUGGESTED ACTIONS:

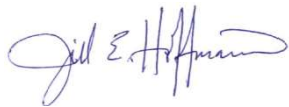
- Before issuing this statewide rule change, utilize current data and future climate change forecasts to understand how this change would have an effect on CSO-impacted streams. Evaluate and help stakeholders understand what such a standard rule change would mean to other permits holders, TMDLs, and recreational uses statewide.
- Consider ways in which stormwater management and runoff abatement strategies could be incentivized and/or mandated in CSO communities in order to lessen the likelihood of CSO events, thus creating a more sustainable, affordable, and lasting way to address the problem – a way that doesn't require us to either move the pollution goal post (i.e. lower the bar on water quality) or invest exorbitant amounts of money in gray infrastructure solutions that quickly become outdated. There are several cities across the country that could serve as models for this approach.
- Develop and make available the intended compliance program detailing how CSO communities will monitor and meet this new standard so that stakeholders can better understand what this change means and what they can expect regarding CSO compliance.
- Consider partnering with university researchers and the Indiana Finance Authority to conduct an economic analysis of water quality standards on utility rates, quality of life metrics, and municipal expenditures before accepting an oversimplification of this relationship.

- Because many of these ideas are complex, it is advisable to follow the precedent set by previous rule changes and take the conservative step of convening a multi-stakeholder advisory group to evaluate the proposal.

The White River Alliance prides itself on being well-versed in the practicalities and realities of water management and is committed to fostering forward-thinking, solution-oriented conversations. We support solutions that balance affordability, sustainability, and public & environmental health. Therefore, we ask that this important, precedent-setting rule making proceed with current and future conditions in mind and do so with a strong understanding of the full set of impacts and implementation realities.

Thank you for your consideration of these concerns and suggested actions. We are confident that, if we slow down and gather more data, we can work toward a solution that is both practical and protective of our waters and our communities. We stand ready to participate in discussions concerning these issues and how we may realize our shared end goal of clean water.

Sincerely,

A handwritten signature in blue ink, reading "Jill E. Hoffmann". The signature is fluid and cursive, with the first name "Jill" being more prominent.

Jill Hoffmann, Executive Director
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